



U.S. Department  
of Transportation

Pipeline and  
Hazardous Materials  
Safety Administration

400 Seventh Street, S.W.  
Washington, D.C. 20590

SEP 20 2005

DOT-E 10590  
(FOURTH REVISION)

EXPIRATION DATE: July 31, 2007

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: ITW/Sexton  
Decatur, AL
2. PURPOSE AND LIMITATIONS:
  - a. This exemption authorizes the manufacture, mark, use and sale of a non-DOT specification inside container, conforming with all regulations applicable to a DOT Specification 2P, with the exception of the diameter and capacity, to be used for the transportation in commerce of certain Division 2.1 gases. This exemption provides no relief from the Hazardous Materials Regulations (HMR) other than as specifically stated herein.
  - b. The safety analyses performed in development of this exemption only considered the hazards and risks associated with transportation in commerce. The safety analyses did not consider the hazards and risks associated with consumer use or other uses not associated with transportation in commerce.
3. REGULATORY SYSTEM AFFECTED: 49 CFR Parts 106, 107 and 171-180.
4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR § 173.304a(d)(3)(ii), in that a non-DOT specification container is not authorized, except as specified herein.
5. BASIS: This exemption is based on the application of ITW/Sexton dated August 22, 2005, submitted in accordance with § 107.109.

6. HAZARDOUS MATERIALS (49 CFR § 172.101):

SEP 20 2005

Hazardous Material Description			
Proper Shipping Name	Hazard Class/ Division	Identification Number	Packing Group
Butane or butane mixtures	2.1	UN1011	N/A
Petroleum gases, liquefied or Liquefied petroleum gas.	2.1	UN1075	N/A

7. PACKAGING(S) SAFETY CONTROL MEASURES:

a. Packaging prescribed is a nonrefillable, non-DOT specification, inside container constructed in accordance with Sexton Can Company Inc., drawings LP-91-138 and LP-91-139 dated February 22, 1991, LP-91-140 and LP-91-14 dated July 22, 1991, and drawing 994D0077 dated January 29, 2004 on file with the Office of Hazardous Materials Exemptions and Approvals (OHMEA), and with DOT Specification 2P (§ 178.33) except as follows:

§ 178.33-2 Type and size.

(b) The maximum capacity of the container may not exceed 61 cubic inches (33.8 fluid ounces). The inner diameter of the largest container may not exceed 4.18 inches.

§ 178.33-7 Wall thickness. All dimensions in inches:

Container with an Inner Diameter of:	Minimum Wall Thickness	Minimum Base Thickness
4.18	0.013	
3.71	0.012	0.0175
3.00	0.0085	0.0175
2.75	0.0080	0.0160
		0.0160

§ 178.33-8 Tests.

(a) One container out of each lot of 1000 containers or less successively produced per day, must be pressure tested to destruction. Test container may not distort (end may not reverse) at below 175 psig or equivalent pressure at 160° F (whichever is less), and may not burst below 240 psig. The end must reverse before bursting. Should test sample fail, 10 additional samples must be taken at random from the lot and tested as above. If any of the 10 additional samples fail the test, the lot must be condemned.

§ 178.33-9 Marking.

(a) \* \* \*

(1) "DOT-E 10590" in lieu of "DOT 2P".

b. TESTING: - Each container filled for shipment must be heated until contents reach an equilibrium pressure of 130°F. The container must not show leakage, distortion or other defect.

c. OPERATIONAL CONTROLS:

(1) Before each inside container is offered for transportation, the container must be packed in an outside packaging. Each outside packaging must be marked "INSIDE CONTAINERS CONFORM WITH PROVISIONS OF DOT-E 10590".

(2) Each container must be filled in accordance with the provisions of § 173.304a(d)(3). Maximum charge pressure may not exceed 55 psig at 70°F, or 125 psig at 130°F.

8. SPECIAL PROVISIONS:

a. In accordance with the provisions of Paragraph (b) of § 173.22a, persons may use the packaging authorized by this exemption for the transportation of the hazardous materials specified in paragraph 6, only in conformance with the terms of this exemption.

- b. A person who is not a holder of this exemption, but receives a package covered by this exemption, may reoffer it for transportation provided no modification or change is made to the package or its contents and it is offered for transportation in conformance with this exemption and the HMR.
- c. A current copy of this exemption must be maintained at each facility where the package is offered or reoffered for transportation.
- d. Each packaging manufactured under the authority of this exemption must be either (1) marked with the name of the manufacturer and location (city and state) of the facility at which it is manufactured or (2) marked with a registration symbol designated by the Office of Hazardous Materials Exemptions and Approvals for a specific manufacturing facility.
- e. A current copy of this exemption must be maintained at each facility where the package is manufactured under this exemption. It must be made available to a DOT representative upon request.
- f. Shippers using the packaging covered by this exemption must comply with all provisions of this exemption, and all other applicable requirements contained in 49 CFR Parts 171-180 which apply to the hazardous materials authorized and the DOT Specification 2P container.
- g. Each container must be filled in accordance with the provisions of § 173.304(d)(3). Maximum charge pressure may not exceed 55 psig at 70°F, or 125 psig at 130°F.
9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle, rail freight, cargo vessel.
10. MODAL REQUIREMENTS: A current copy of this exemption must be carried aboard each cargo vessel used to transport packages covered by this exemption.
11. COMPLIANCE: Failure by a person to comply with any of the following may result in suspension or revocation of this exemption and penalties prescribed by the Federal hazardous materials transportation law, 49 U.S.C. 5101 et seq:


- o All terms and conditions prescribed in this exemption and the Hazardous Materials Regulations, 49 CFR Parts 171-180.
- o Persons operating under the terms of this exemption must comply with the security plan requirement in Subpart I of Part 172 of the HMR, when applicable.
- o Registration required by § 107.601 et seq., when applicable.

Each "Hazmat employee", as defined in § 171.8, who performs a function subject to this exemption must receive training on the requirements and conditions of this exemption in addition to the training required by §§ 172.700 through 172.704.

No person may use or apply this exemption, including display of its number, when this exemption has expired or is otherwise no longer in effect.

12. REPORTING REQUIREMENTS: Shipments or operations conducted under this exemption are subject to the Hazardous Materials Incident Reporting requirements specified in 49 CFR §§ 171.15 - Immediate notice of certain hazardous materials incidents, and 171.16 - Detailed hazardous materials incident reports. In addition, the grantee(s) of this exemption must notify the Associate Administrator for Hazardous Materials Safety -- OHMEA, in writing, of any incident involving a package, shipment or operation conducted under terms of this exemption.

Issued in Washington, D.C.:

*for*  
  
Robert A. McGuire  
Associate Administrator for  
Hazardous Materials Safety

**SEP 20 2005**

DATE

Address all inquiries to: Associate Administrator for Hazardous Materials Safety, Pipeline and Hazardous Materials Safety Administration, Department of Transportation, Washington, D.C. 20590. Attention: PHH-31.

**SEP 20 2005**

Copies of this exemption may be obtained by accessing the Hazardous Materials Safety Homepage at <http://hazmat.dot.gov/exemptions> Photo reproductions and legible reductions of this exemption are permitted. Any alteration of this exemption is prohibited.

PO: DBurger/CS